

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MATTHEW MCDERMOTT,

Plaintiff,

-against-

BIERMAN APPAREL CORP.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/11/2021

1:19-cv-02012-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

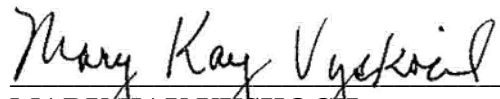
This action was filed on March 9, 2019. After Defendant was served but never appeared, Plaintiff filed a motion for a default judgment [ECF No. 20]. The Court subsequently referred the Motion to Magistrate Judge Kevin N. Fox for a report and recommendation [ECF No. 25]. On October 13, 2020, Magistrate Judge Fox issued a Report and Recommendation [ECF No. 27] which recommended that the Court deny Plaintiff's Motion without prejudice to renewal. Shortly thereafter, Plaintiff filed a second motion for a default judgment [ECF No. 28]. Plaintiff never submitted anything in response to Magistrate Judge Fox's report and recommendation.

For the avoidance of doubt, IT IS HEREBY ORDERED that, pursuant to Federal Rule of Civil Procedure 72(b), the Court adopts the reasoning set forth in Magistrate Judge Fox's October 13 Report and Recommendation. Plaintiff's first Motion for a Default Judgment [ECF No. 20] is DENIED WITHOUT PREJUDICE. Plaintiff's second motion will be considered in due course.

The Clerk of Court respectfully is requested to close the motion at ECF No. 20.

SO ORDERED.

**Date: January 11, 2021
New York, NY**


MARY KAY VYSKOCIL
United States District Judge